

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

IN RE: )  
ROBERT LESLIE VEST ) Chapter 13  
Debtor. ) Case No. 12-33281-KLP

---

VANDERBILT MORTGAGE AND )  
FINANCE, INC., )  
Movant, )  
v. )  
ROBERT LESLIE VEST )  
466 Lark Street )  
Prince George, Virginia 23875 )  
and )  
CARL M. BATES, TRUSTEE )  
P.O. Box 1819 )  
Richmond, Virginia 23218 )  
Respondents. )  
ALSO SERVE: )  
LINDA D. JENNINGS, ESQ. )  
America Law Group, Inc. )  
d/b/a The Debt Law Group )  
2312 Boulevard )  
Colonial Heights, Virginia 23834 )

WOODS ROGERS PLC  
ATTORNEYS AT LAW

Richard C. Maxwell, Esq. (VSB #23554)  
WOODS ROGERS PLC  
P.O. Box 14125  
Roanoke, VA 24038-4125  
Telephone: 540-983-7600  
Facsimile: 540-983-7711  
Email: [rmaxwell@woodsrogers.com](mailto:rmaxwell@woodsrogers.com)  
*Counsel for Movant*

{#4828-2853-6092-1, 107217-01001-01}

## NOTICE OF MOTION AND HEARING

***Your rights may be affected.*** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).

If you do not wish the Court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then within 14 days from the date of service of this motion, you must file a written response explaining your position with the Court and serve a copy on the movant. Unless a written response is filed and served within this 14-day period, the Court may deem opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing.

If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the expiration of the 14-day period.

A preliminary hearing is scheduled to be held on **September 10, 2014 at 11:00 a.m.** in Courtroom 5100, United States Bankruptcy Court, 701 East Broad Street, Richmond, Virginia.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

## MOTION FOR RELIEF

COMES NOW, Vanderbilt Mortgage and Finance, Inc. ("Movant"), by counsel, and respectfully requests that the automatic stay provisions of 11 U.S.C. Section 362 be rescinded and for its reasons states as follows:

1. The United States Bankruptcy Court for the Eastern District of Virginia has jurisdiction over this Motion for Relief from Stay pursuant to 11 U.S.C. Sections 362, 28 U.S.C. Section 1334, 28 U.S.C. Section 157(a) and Rules of Bankruptcy Procedure 4001 and 9014.
2. On February 18, 2008, Robert L. Vest ("Debtor") entered into a Retail Installment Contract-Security Agreement for the purchase of a 2008 Oakwood Manufactured Home, Serial No. RIC242586NCAB ("Mobile Home").

3. Debtor filed a petition pursuant to Chapter 13, Title 11 of the United States Code on May 29, 2012.
4. The Debtor's confirmed Chapter 13 Plan provides for monthly payments to be paid directly to the Movant for the Mobile Home.
5. The Debtor has failed to make the monthly payments according to the Chapter 13 Plan and is currently in default for the June through August 2014 payments. The total amount due is \$2,620.33. The failure to timely make the monthly payments according to the Chapter 13 Plan constitutes cause sufficient to terminate the automatic stay.
6. Failure to lift the stay and allow Movant to take possession of the Mobile Home will result in irreparable harm, loss and damage to Movant.

WHEREFORE, pursuant to 11 U.S.C. Section 362(d)(1), Movant respectfully requests that the automatic stay in effect pursuant 11 U.S.C. Section 362 be terminated as to it, in order that it may protect its interests and for such other and further relief as is just.

VANDERBILT MORTGAGE AND  
FINANCE, INC.

By: /s/ Richard C. Maxwell  
Of Counsel

Richard C. Maxwell, Esq. (VSB #23554)  
WOODS ROGERS PLC  
P.O. Box 14125  
Roanoke, VA 24038-4125  
Telephone: 540-983-7600  
Facsimile: 540-983-7711  
Email: [rmaxwell@woodsrogers.com](mailto:rmaxwell@woodsrogers.com)  
*Counsel for Movant*

WOODS ROGERS PLC  
ATTORNEYS AT LAW

**CERTIFICATE OF SERVICE**

I hereby certify that on the 7<sup>th</sup> day of August, 2014 the foregoing was filed electronically with the U.S. Bankruptcy Court, was served electronically on those parties who are CM/ECF participants, and was served by U.S. Postal Service on those parties who are non-CM/ECF participants. The foregoing was served on:

Robert L. Vest  
466 Lark Street  
Prince George, VA 23875

Linda D. Jennings, Esq.  
America Law Group, Inc.  
d/b/a The Debt Law Group  
2312 Boulevard  
Colonial Heights, VA 23834

Carl M. Bates, Trustee  
P.O. Box 1819  
Richmond, VA 23218

/s/ Richard C. Maxwell